

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

LOREN CHRISTOPHER TARABOCHIA,

Case No. 3:16-cv-01457-TC

ORDER

Plaintiff,

vs.

CLATSOP COUNTY, OREGON; THOMAS
BERGIN; SHELLY MORGAN,

Defendants.

AIKEN, Judge:

Magistrate Judge Thomas Coffin filed his Findings and Recommendation (“F&R”) (doc.50) on March 19, 2018. The matter is now before me. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72. No objections have been timely filed. Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final decision.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of

the Rules Advisory Committee, I review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); see also *United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule). Having reviewed the file of this case, I find no clear error.

THEREFORE, IT IS HEREBY ORDERED that I adopt Judge Coffin’s F&R (doc. 50) in its entirety. Defendants’ Motion for Partial Summary Judgment (doc. 19) is GRANTED and Claims Two and Three of plaintiff’s complaint are dismissed. Plaintiff’s Motion to Supplement the Record (doc. 49) is GRANTED.

Dated this 15 day of May 2018.

A handwritten signature in black ink, appearing to read "Ann Aiken", written over a horizontal line.

Ann Aiken
United States District Judge